

OPINION
51-66

October 26, 1951 (OPINION)

FIRES

RE: Eligibility to Participate in Distribution of Premium Tax Fund

Answering your inquiry of October 25, our opinion is as follows:

First: In qualifying a rural fire department for \$200.00 under chapter 153, 1951 Session Laws, (House Bill No. 598) it must:

1. Have been maintained for service within the area designated for at least eight months prior to filing the certificate.
2. It must own as part of its equipment at least one fire engine, truck, or hose cart.
3. It must have a membership of at least fifteen persons, and such company or department must be a member of the North Dakota Firemen's Association.

Consequently, the qualifications for \$200 are eight months existence, fifteen members in the territory served, ownership of the necessary fire equipment, and a membership in the North Dakota Firemen's Association. If any one of these is lacking the rural fire department will not qualify.

Second: A city or village fire department will qualify for \$100 if it furnishes service with its own equipment outside of the incorporated limits. Since such service is not restricted by the law to rural areas alone help for other cities or villages would qualify. It is suggested that resolutions or ordinances be placed on city or village records authorizing use of equipment and men outside of incorporated limits, since it is doubtful if such equipment might otherwise be used outside of the incorporated limits.

We believe that the above answers all the questions in your letter.

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